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K Cooper
10-18-02ATTORNEY DOCKET NO.
004578.1025PATENT APPLICATION
09/397,481

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: HAWS, et al.
Serial No.: 09/397,481
Filed: September 16, 1999
Group No.: 3743
Examiner: Atkinson, C.
Title: METHOD AND APPARATUS FOR COOLING
 WITH A PHASE CHANGE MATERIAL AND
 HEAT PIPES

Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

REPLY TO PTO COMMUNICATION

This letter is accompanied by a facsimile cover sheet, which serves as a transmittal, and which contains an executed certificate of facsimile transmission.

Applicants acknowledge receipt of the PTO Communication mailed on October 1, 2002. This Communication asserts that the Amendment filed on July 23, 2001 is "non-responsive". In particular, the Communication asserts that Applicants' arguments as to Claim 14 fail to comply with \$1.111(b) because they amount to a general allegation that Claim 14 defines a patentable invention without specifically pointing out how the language of the claim patentably

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PATENT APPLICATION
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2

distinguishes Claim 14 from the reference(s). This assertion is respectfully traversed.

More specifically, the Amendment filed on July 23, 2001 was a response to the Office Action mailed on May 29, 2001. The Office Action rejected Claim 14 under 35 USC §102 as anticipated by Faghri U.S. Patent No. 4,976,308. In the Amendment, the remarks at lines 6-31 on page 10 include an explanation of why Faghri does not disclose a particular structural feature. For example, lines 20-28 on page 10 of the remarks explain that "it should be noted that the heat pipes 22 of Faghri function primarily to transfer heat between two regions respectively located inside and outside the housing 12, rather than to transfer heat within the material of the housing 12", and then add that the heat pipes 22 of Faghri are clearly not disposed within the material of the housing and are not operative to facilitate heat distribution within the material of the housing in a manner which reduces temperature gradients across a given surface.

As noted above, this defect in Faghri is discussed in the paragraph at lines 6-31 on page 10 of the remarks. In the very next paragraph of the remarks, Applicants address Claim 14, and explain that Claim 14 expressly recites the feature that is not disclosed in Faghri. More specifically, at lines 5-10 on page 11, Applicants quote specific language from Claim 14 which recites the feature that is not disclosed in Faghri, as follows:

Claim 14 includes a limitation reciting the step of "distributing said heat within the material of said housing, including the step of using a heat pipe disposed within the material of said housing to facilitate

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3

distribution of said heat in a manner which reduces temperature gradients across said surface".

Then, in the next sentence of the remarks (at lines 10-13 on page 11), Applicants indicate that this quoted language from Claim 14 recites the previously-discussed feature which is not disclosed in Faghri, with a specific reference (at lines 10-13 on page 11) to the previous discussion of Faghri (which is at lines 20-28 on page 10).

Therefore, and contrary to the assertions in the PTO communication mailed on October 1, 2002, it is respectfully submitted that the Amendment filed on July 23, 2001 does in fact specifically point out how the language of Claim 14 patentably distinguishes that claim from the Faghri reference. Consequently, it is also respectfully submitted that the Amendment is properly responsive, and in compliance with the requirements of 37 C.F.R. §1.111(b). Accordingly, Applicants

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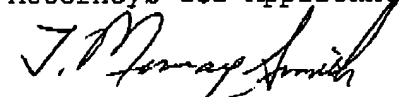
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004578.1025

PATENT APPLICATION
09/397,481

4

respectfully request that the Examiner proceed to consider on
the merits the Amendment which was filed on July 23, 2001.

Respectfully submitted,
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Date: October 10, 2002

Enclosures: None

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FIRM/COMPANY U.S. Patent and Trademark Office **VOICE NO.** 703-308-2603
FROM T. Murray Smith **VOICE NO.** 214.953.6684 **DATE** October 10, 2002
RETURN TO Judy Baggett **FAX NO.** 214.953.6503 **PAGES** (including cover) 5

MESSAGE

Applicant: HAWS, et al.
Serial No.: 09 08/397,481 Group: 3743
Filed: September 16, 1999 Examiner: Christopher M. Atkinson
Title: METHOD AND APPARATUS FOR COOLING WITH A
PHASE CHANGE MATERIAL AND HEAT PIPES
Attorney Docket No. 004578.1025

Please immediately notify Examiner Christopher Atkinson by e-mail (or by telephone at 703-308-2603) that this transmittal (with enclosure) has been received. The enclosure is a Reply to a PTO Communication. Thank you.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and enclosures, if any) is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Signature: T. Murray Smith
T. Murray Smith, Reg. No. 30,222

Date: 10 October 2002

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